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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

CR 20-46-M-DLC

Plaintiff,

SENTENCING MEMORANDUM

vs.

**SCOTT MICHAEL GEORGE
DANIELS,**

Defendant.

INTRODUCTION

On January 21, 2021, Scott Daniels pleaded guilty to Count I which charges Conspiracy to Possess with the Intent to Distribute Methamphetamine, in violation of 21 U.S.C. § 846. PSR ¶ 8. The presentence investigation report has

calculated an advisory Guideline range of 78 to 97 months, based on a total offense level of 27 and a criminal history category of II. PSR ¶ 139. The United States will recommend a sentence within the advisory Guideline range ultimately calculated by the Court.

RECOMMENDATION

Section 3553(a) of Title 18 of the United States Code contains the following directive: “The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection.” Those purposes include the need for the sentence to: (1) reflect the seriousness of the offense; (2) promote respect for the law; (3) provide just punishment for the offense; (4) afford adequate deterrence to criminal conduct; (5) protect the public from further crimes of the defendant; and (6) provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. 18 U.S.C. § 3553(a)(2).

The Court must also consider the nature and circumstances of the offense, the history and characteristics of the defendant, the kinds of sentences available, the sentencing guidelines and policy statements, and unwarranted sentencing disparities, and restitution to the victim. 18 U.S.C. § 3553(a)(1), (3) - (7).

Law enforcement received information from several sources that Mr. Daniels was distributing methamphetamine. PSR ¶¶ 18-21. Law enforcement

executed a search warrant on Daniels' property on September 30, 2020. PSR ¶

22. Officers recovered several guns from the residence, one that was reported stolen on July 8, 2020. PSR ¶¶ 25-26. Officers located methamphetamine, heroin, body armor, and firearms on the property. PSR ¶ 25. Mr. Daniels admitted distributing between 49 to 60 ounces of methamphetamine between May 2020 and September 2020. PSR ¶ 36.

The United States' recommends dismissal of Counts I and III and that the Court decrease Mr. Daniels' offense level by three levels for acceptance of responsibility pursuant to the plea agreement. Given the application of the relevant statutory factors to the facts in this case, including Mr. Daniels' conduct, history and characteristics, and the need for deterrence and to protect the community, the United States recommends a sentence with the advisory Guideline range ultimately calculated by the Court.

DATED this 30th day of April 2021.

LEIF M. JOHNSON
Acting United States Attorney

/s/ Jennifer S. Clark
Assistant U.S. Attorney
Attorney for Plaintiff